

ATTORNEY DOCKET NO. 24A01.1-040
PATENT

REMARKS

Claims 1 and 3-64 are pending in this application. Claims 39, 43, 48, 52, 58, and 62 have been allowed. Claim 2 has been cancelled. Claims 1, 36-38, and 40-42 have been amended to recite “the polyester comprises an aryl group, wherein the aryl group is unsubstituted or substituted with one or more groups consisting of alkyl, alkynyl, aryl, halide, nitro, amino, ketone, aldehyde, and alkoxy.” Support for the amendment can be found in the specification at, *inter alia*, page 4, lines 22-25 and original claim 2. Support for new claim 63 can be found in the specification at, *inter alia*, page 4, lines 19-23. Support for new claim 64 can be found in the specification at, *inter alia*, page 4, lines 22-25; page 5, lines 7-8, and original claim 1.

Rejections under 35 U.S.C. § 103

The Office Action has rejected claims 1-7, 12-24, 26-38, 40-42, 44-47, 49-51, 53-57, and 59-61 as being unpatentable over U.S. Patent No. 5,514,302 to Brown in view of U.S. Patent No. 6,242,404 to Dahanayake *et al.* and U.S. Published application no. 2002/0142937 to Carter *et al.* under 35 U.S.C. § 103. The Office Action asserts that it would have been *prima facie* obvious to one of ordinary skill in the art to combine the cleaning compositions of Brown with the polymers of Dahanayake *et al.* and the zeolites of Carter *et al.*

In order to establish a *prima facie* case of obviousness, three basic criteria must be met (M.P.E.P. 2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

First, the combined teachings of Brown, Dahanayake *et al.*, and Carter *et al.* do not teach or suggest all the claim limitations of the present invention. Namely, Brown, Dahanayake *et al.*, and Carter *et al.* do not disclose the polyesters as recited in the present invention. With respect to Brown and Carter *et al.*, polyesters are disclosed at all. In the case of Dahanayake *et al.* does not disclose or teach the polyesters as recited in the present invention. Initially, Dahanayake *et*

al. discloses at columns 7 and 8 that preferred soil release agents are block copolymers of polyalkylene terephthalate and polyoxyethylene terephthalate. These polyesters are not covered by the present invention in view of the amendments in the Response dated June 26, 2007. Next, Dahanayake *et al.* discloses at column 7, lines 64-67 that other useful soil release polymers include sulfonated polyethylene terephthalate, polyester urethane, and acetic acid ethenyl esters. As will be described in detail below, each of these polymers does not fall under the present invention.

With respect to the sulfonated polyethylene terephthalate, the sulfonate groups are present on the phenyl ring. The present invention recites that when the polyester includes an aryl group, “the aryl group is unsubstituted or substituted with one or more groups consisting of alkyl, alkynyl, aryl, halide, nitro, amino, ketone, aldehyde, and alkoxy.” Thus, when a polyester of the present invention includes an aryl group, the aryl group does not include a sulfonate group. Therefore, the sulfonated polyethylene terephthalate is not a feature of the present invention.

The present invention does not include a polyester urethane as disclosed in Dahanayake *et al.* The term “polyester urethane” is a broad class of compounds. Dahanayake *et al.* does not further define the class of polyester urethanes. In the case of claims 1 and 3-63, the polyester possesses an unsubstituted aryl group or an aryl group substituted with specific groups. Dahanayake *et al.* does not specify if the polyester urethane possesses an aryl group. Based on the disclosure of Dahanayake *et al.*, if the polyester urethane did possess an aryl group, it would likely be substituted with a sulfonate group based on the previous disclosure of sulfonated polyethylene terephthalate in Dahanayake *et al.* In summary, the polyester urethane disclosed in Dahanayake *et al.* is not a polyester as recited in claims 1 and 3-63.

With respect to new claim 64, the polyester does not include a polyester urethane. Claim 64 recites “the polyester consists of residues of a dicarboxylic acid and a diol.” In other words, the polyester is the reaction product of a dicarboxylic acid and a diol. Conversely, a polyester urethane is produced from a dicarboxylic acid, a diol, and a compound that reacts with a diol to produce a urethane group. For example, the reaction between the diol and a diisocyanate compound produces a urethane (*i.e.*, ROC(O)N-, where R is the residue of the diol). Thus, the

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polyester recited in new claim 64 does not possess urethane groups. For this reason, the polyester urethane disclosed in Dahanayake *et al.* is not a polyester as recited in claim 64.

Finally, acetic acid ethenyl esters are not a polyester of the present invention. Another name for acetic acid ethenyl ester is vinyl acetate. Thus, polyvinyl acetate is the polymer disclosed in Dahanayake *et al.*, which is not even a polyester moreover a polyester of the present invention.

In summary, assuming *arguendo* the soil release polymers disclosed in Dahanayake *et al.* were incorporated into the compositions of Brown and Carter *et al.*, each and every limitation of the present invention would not be present. Therefore, the present invention would not have been obvious in view of the combined teachings of Brown, Dahanayake *et al.*, and Carter *et al.*.

The Office Action has rejected claims 1-24, 26-38, 40-42, 44-47, 49-51, 53-57, and 59-61 as being unpatentable over U.S. Patent No. 5,073,442 to Knowlton *et al.* in view of U.S. Patent No. 6,242,404 to Dahanayake *et al.* and U.S. Published application no. 2002/0142937 to Carter *et al.* under 35 U.S.C. § 103. The Office Action asserts that it would have been *prima facie* obvious to one of ordinary skill in the art to combine the cleaning compositions of Knowlton *et al.* with the polymers of Dahanayake *et al.* and the zeolites of Carter *et al.*

Knowlton *et al.* and Carter *et al.* are silent with respect to polyesters. As discussed in detail above, the polymers disclosed in Dahanayake *et al.* are not polyesters of the present invention. Thus, even if the polymers of Dahanayake *et al.* were incorporated into the compositions of Knowlton *et al.* and/or Carter *et al.*, each and every limitation of the present invention would not be present. Therefore, the present invention would not have been obvious in view of the combined teachings of Knowlton *et al.*, Dahanayake *et al.*, and Carter *et al.*

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CONCLUSION

Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

The fee 540.00 has been filed electronically. No further fee is believed to be due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-1513.

Respectfully submitted,

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